

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DAVID J. SCOTT
Plaintiff,

Case:2:09-cv-11807
Judge: Borman, Paul D
MJ: Majzoub, Mona K
Filed: 05-11-2009 At 02:21 PM
IPF SCOTT V. BURRESS ET AL (JTC)

-YS-

DANIEL BURRESS, BRIAN
LAVON, JAMES PASIENSKI,
Thomas CREMONTE, DENNIS
BOLLING, DAVID BERGMAN,
CHRISTOPHER CORRIVEA,
FRANK DELVERO, ANGELA
DELVERO, ERIC WALTERS,
BRENDA EVANS, JAMES,
HUGHES, PAMELA MAAS,
MARK GATESMAN, UK
PAROLE BOARD MEMBER,
SHIRLEY SCOTT, VERN SCOTT
SENIOR, VERN SCOTT JUNIOR,
MAUREEN LOVENDS, William
McCRIRIE, TIM BLACKBURN,
JULIE BLACKBURN, JOYCE
DRAGANUCHUK, TERESA BRENNAN,
BRIAN BROWN, WILLIAM
COLLETTE, TODD REETZ
JOHN SMITH AND BARB SCOTT,
Defendants.

CIVIL COMPLAINT
With Jury Demanded

This is a civil cause of action filed by David Scott in proprie persona under the Racketeering Influence and Corrupt Organization Act (RICO) for acts performed as an on-going criminal organization alleging obstruction of justice, extortion, racketeering, retaliation for seeking legal redress and conspiring to commit same.

Jurisdiction

1. This court has jurisdiction for this matter pursuant to 18 USC 1961-1968. Plaintiff further waives the supplemental jurisdiction of the court for any state law claims asserted by the Plaintiff.

Parties

2. Plaintiff incorporates paragraph 1 above.

3. At all times pertinent to this action, Plaintiff was a private citizen with his residence in County of Livingston, State of Michigan.

4. At all times pertinent to this Complaint Daniel Bussey (retired), Teresa

Brennan, Joyce Dragonchuk, William Collette, ~~and Peter~~ ~~these were Michigan Court~~ ~~Judges; Defendant Thomas Cawman, Dennis Bellino, Christopher Correia, and David Bergman were~~ ~~members of Michigan Police; Defendant~~ ~~UK Parol Board member was a member of~~ ~~Michigan Correctional system; Defendants Eric~~ ~~Wolfe, Brenda Evans and Tommie Hugler were employed with~~ ~~Michigan Courts; Defendants Brian Laren and~~ ~~Mark Gatesman were Michigan attorney at~~ ~~law; Defendants William McLean, Frank~~ ~~Delano, Angela Dohren, and Pamela Meeks~~ ~~were Michigan prosecutors; Defendants~~ ~~Shirley Scott, Vern Scott Senior, Vern Scott Junior~~ ~~and Mark Luttrell, Tim Blackburn, Judge~~ ~~Blackburn, Judge Peete, Judge Goss, and~~ ~~Robert Scott were public officers with their positions~~ ~~in County of Livingston.~~

General Allegations

5. Plaintiff incorporates paragraphs 1 through 4 above.

6. Plaintiff is owned an extensive building restoration business that he operates out of his home situated in the City of Brighton, State of Michigan.

7. In or about May 1979 Defendant Laren vowed to take over ownership of

Plaintiff's home.

8. Defendant Lavan meant and was understood to mean that he coveted Plaintiff's home and intended against Plaintiff's will by unlawful means to acquire the home and force Plaintiff to vacate the home.

9. During that time period, Defendant Lavan served on the Brighton City Board of Review consisting of a three member panel that functioned as the first level of review of property tax disputes by aggrieved parties owning real property within the city of Brighton.

10. From that insider standpoint, Defendant Lavan, each year from 1980 through 1993, caused the over assessment of the value of Plaintiff's home by falsifying City tax records with the intent of forcing a tax sale and corruptly acquiring the home through such sale.

11. Plaintiff sought and eventually obtained relief through the Michigan Tax Tribunal.

12. Shortly thereafter, Defendant Lavan, in conjunction with Defendant McLarrie, instituted a forfeiture action

against Plaintiff for

13. The action was brought in
bad faith with the intent once again
to corruptly accuse Plaintiff for having

14. Plaintiff resolved the
foreclosure action upon paying off the
principal balance owing on a land
contract by which Plaintiff was purchasing
the home.

15. On or about March 9, 1984,
Plaintiff was charged in Livingston
County, on complaints sworn out by
Defendant Bollings in four separate
files with conspiracy to deliver controlled
substance less than 50 grams.

16. The charges were and are
false.

17. They were based on
statements submitted by Defendants Reece
and Smith that Plaintiff supplied Reece
and Smith illegal drugs that they in turn
sold to Defendant Bollings.

18. Defendants based
Bollings, came and were close friends

18A Reece and Smith were represented
by Defendant Lovan.

19. Defendants Poore and Smith negotiated Plaintiff's release in exchange for dismissal of the robbery charges against them.

20. Defendants Poore and Smith were set up by Laver.

21. The charges brought against Plaintiff to force him, were instigated by Defendant Laver or a co-conspirator to corruptly acquire Plaintiff's home.

22. In conjunction with Defendant Laver, the Livingston County prosecutor offices under Defendant Frank Dovers proposal dismissal of the charges in exchange for Plaintiff relinquishing ownership of his home to Dovers.

23. In a deal between Defendants Dovers and Laver, the home was to go to Laver.

24. Plaintiff never turned over ownership of his home to Defendant Dovers.

25. The charges against Plaintiff remained pending through 1984, 1985 and 1986.

26. Meanwhile, in mid-1985,

Defendant Lovan began publicly accusing Plaintiff of intending to murder him and continues to make those accusations to this day.

28. The accusations were and are utterly false, malicious and slanderous.

29. Defendant Lovan lacks probable cause whatsoever to believe Plaintiff intends, or ever intended to cause him physical harm.

30. The accusations were and are made to expose Plaintiff to undue public contempt, disdain and hatred.

30. In or about May 1986 Defendant Burness was appointed by the Michigan Governor to the Livingston Circuit Court bench at which time he became presiding Judge over Plaintiff's criminal case.

31. Seeking election to that position, Judge Burness instantaneously instigated a campaign against Livingston County District Court Judge Michael Meador.

32. To gain an unfair

advantage in that campaign, Judge Bussell orchestrated a false Criminal investigation against Plaintiff and others politically associated with Plaintiff.

33. At or about the same time, Defendant Scott senior was heard falsely accusing Plaintiff of committing acts of public corruption including claiming to have witnessed Plaintiff bribe a Livingston County Circuit Court Judge.

34. In connection with the investigation orchestrated by Judge Bussell against Judge Merritt, the Livingston County Prosecutor's Office under Defendant Odehro and in conjunction with Judge Bussell and Defendants, Grantham and Bergman, sought to no avail to coerce Plaintiff into falsely investigating Judge Merritt and others associated with Merritt.

35. Defendants Loya, Franklin Odehro, Grantham and Bergman were and are close socially and politically to Judge Bussell.

36. Having refused to provide

those false incriminations, Plaintiff became targeted by Defendant Lotvenos who was related to Judge Russ.

37. During the months of May through August 1986, Defendant Lotvenos periodically appeared at Plaintiff's home.

38. Lotvenos was aware of a trip to Chicago to see an attorney that Plaintiff made during that period of time.

39. In late August 1986, Defendant Lotvenos was caught planting narcotics at Plaintiff's home to frame him.

40. Lotvenos confessed to working under the direction of Defendants Frank DeJens, Coenraad and Borgema to frame the Plaintiff.

41. Lotvenos sought to frame the Plaintiff for retaliation for Plaintiff refusing to falsely incriminate Judge Merritt.

42. On or about September 1, 1986, Plaintiff made a complaint about the Lotvenos affair to the United States Attorney's Office.

43. Persons agreed on that complaint included Defendants Frank DeLara, Cremante and Bergsma.

44. In reaction to Plaintiff's complaint to the United States Attorney's office about the Lotteras affair as described above, additional charges for conspiracy to obtain controlled substances or complaints sworn out by Defendant Cremante were brought against Plaintiff on or about October 9, 1986.

45. The charges were and are false and were brought against Plaintiff once again to frame him.

46. In conjunction with those charges, Defendants Cremante, Bergsma, Bolting and others conducted a warrantless non-consensual search of Plaintiff's home seizing and failing to return a number of items belonging to Plaintiff and his girlfriend including, jewelry, money and legal papers.

47. None of the items seized were instruments of crime nor was it reasonably believed that

same was connected to the commission of any crime.

48. In the course of conducting the illegal search and seizure, Defendant Cremante, without provocation, authority or cause, evicted from Plaintiff's home an individual lawfully renting a room from Plaintiff.

49. Through acts of harassment, hostility, and undue aggression, Defendants Cremante, Bellino, Bessine, Lavan and others destroyed Plaintiff's livelihood leaving him, among other things, unable to pay a defense attorney by intimidating business associates of Plaintiff into ceasing and desisting further business dealings with Plaintiff and otherwise disassociating themselves from Plaintiff.

50. During a proceeding December 5, 1986 Judge Bresser inexplicably concealed having knowledge of Plaintiff's contact with the aforementioned Chicago attorney.

51. Based on his personal and familial relationship with Lavan and Lotvenas, Plaintiff sought to

no avail the record of Judge Burress from his criminal case.

52. Judge Burress vowed to treat Plaintiff severely more harsh if found guilty after a jury trial.

53. Plaintiff entered into a plea of guilty before Judge Burress on or about January 20, 1987.

54. On the ground of innocence and to no avail, Plaintiff sought to withdraw his plea prior to sentencing.

55. On or about March 2, 1987 Judge Burress sentenced Plaintiff to a prison term of 7 to 20 years.

56. On his appeal of right from the judgment of conviction and sentence rendered against him by Judge Burress, Plaintiff sought, among other issues, a remand for an evidentiary hearing to re-new motion to disqualify Judge Burress.

57. To perfect that issue on appeal, Plaintiff inquired by written letter of Judge Burress disclosure as to the source of his knowledge

about the Chicago attorney.

58. That information was required for purposes of showing personal bias by establishing involvement on the part of Judge Busness with Defendant Loturio in her aforementioned attempt to plant narcotics at Plaintiff's home to frame him.

59. Judge Busness reacted but never responded to Plaintiff's inquiry as to his knowledge about the Chicago attorney.

60. Judge Busness reacted initially by immediately establishing a six month blanket disqualification from hearing all further matters pertaining to the Plaintiff.

61. The blanket disqualification led to the state Court Administrative Office (SCAO) assignment of Ingham County Circuit Court Judge William Collette.

62. Judge Collette was assigned to hear various actions filed by Plaintiff in the Livingston County Circuit Court and pending at that time before Judge Busness.

63. Those actions consisted mostly of administrative appeals.

64. Judge Burrell and Collette were and are close socially and politically.

65. In conjunction with Ingham County circuit court Judge Peter Thuk, Judge Collette instituted a filing restriction against Plaintiff that amounted essentially to banning Plaintiff from Michigan courts.

66. Acting jointly and individually by design, scheme and plot, Judges Collette and Thuk implemented the Michigan court bar in bad faith in concert with a cover-up to prevent Judge Burrell from exposing the wrongdoing.

67. Plaintiff has filed a complaint in the United States District Court for the Eastern District of Michigan,訴狀, against Defendants Burrell, Collette and Thuk for their conduct in the state court litigation brought by Plaintiff.

68. The actions of Defendants Evans and Webster as described above in turn lead to the filing of federal court litigation, Scott v. Evans, et al., United States District Court, Eastern District of Michigan.

69. As a further consequence of Plaintiff's inquiry to Judge Burrell about his knowledge of the Chicago attorney, Plaintiff became subject of mistreatment by the prison.

70. Such treatment included harassment, shackles, unlawful property seizures, excessive prison transfers and the issuance against Plaintiff of false misconduct reports, all of which once it began continued relentlessly until Plaintiff's release from prison.

71. Such treatment led to further filing of federal court litigation along with a number of institutional grievances.

72. Orchestrated by Judge Burrell, SCAO unlawfully assigned Circuit Court Judge Allen Garbrecht to hear Plaintiff's motion to withdraw plea, resulting in further filing of federal court litigation, Scott v. Hall, et al., United States District Court, Western District of Michigan, file No. 4:93-cv-40.

73. By order of the Michigan Court of Appeals issued on or about March 1, 1992, Plaintiff was remanded for resentencing before a different judge.

74. Orchestrated by Judge Burness, SCAs assigned Idaquan County Circuit Court Judge Carolyn Stell (retired) to resentence plaintiff who had reputation for harsh sentencing practices.

75. Constituting a substantial upward departure from the sentencing guideline recommendation, and lacking any sentencing support, Judge Stell sentenced Plaintiff to consecutive 10 year sentences for the same conduct and conduct to property damage.

76. On or about June 3, 1992, Plaintiff's brother, Kenneth Scott, was struck and killed by a drunk driver.

77. Plaintiff's brother bequeathed his estate in its entirety to the Plaintiff.

78. Defendants Texas Burness, and McGowen based, on false documents, that Scott senior, Scott junior, Plaintiff, and Plaintiff's son were removed, converted and performed and denied Plaintiff the assets of his brother's estate.

79. Defendants Scott senior and Scott junior's stated reason for depriving Plaintiff assets from his brother's estate

was to deny Plaintiff financial means to obtain legal assistance in his criminal case.

80. Plaintiff extracted the keys of his home pending his release from prison to Defendants Tom and Judge Blackman.

81. Under direction of Judge Burress and Defendant Lovan, and once again to deny Plaintiff financial means to obtain legal assistance in his criminal case, Defendants sold Plaintiff his home without paying Plaintiff proceeds due and owing him prior to that sale.

82. In a personal civil rights lawsuit filed by Plaintiff in the United States District Court for the Eastern District of Michigan, Plaintiff, on or about January 5, 2005, subpoenaed Judge Burress for the taking of his deposition. Scott v. Baio, Docket No. 1:95-cv-571.

83. Meanwhile, on or about July 11, 2005, Plaintiff was granted a parole and scheduled to be released from prison on August 16, 2005.

84. Based on a letter falsely accusing Plaintiff of intending to murder Judge Burress and Defendant Lovan, Sent

to the parole board by Burress, Lauer and Cromarte, Plaintiff's parole was revoked August 15, 2005.

85. Defendants know such accusations to be false and same were made maliciously and purposefully to with the specific intent to wrongfully cause the revocation of Plaintiff's parole in retaliation for Plaintiff subpoenaing Judge Burress.

86. Plaintiff submits that such actions were taken once again to frame him.

87. Plaintiff was eventually released from prison on or about July 11, 2006.

88. Seeking damages for connection with revocation of Plaintiff's parole and naming as party defendant Judge Burress, Rick Lauer, Thomas Cromarte and various members of the Michigan police and correctional system, Plaintiff filed a civil rights lawsuit in the Eastern District of Michigan on or about September 1, 2006. Scott v. Burress, et al File No. 06-13916.

89. In another matter seeking

to recover a letter written to Plaintiff by a deceased friend and confiscated by Defendant Pasenchi, Plaintiff filed an action in the Livingston County, Michigan court on or about November 5, 2007.

See the Pasenchi, File No. 07-4270-GC.

90. In reaction to Plaintiff's lawsuit against Defendant Pasenchi, Pasenchi joined forces with Judge Burress and Defendant Lavan against the Plaintiff.

91. New charges in Livingston County were brought against Plaintiff on December 11, 2007.

92. Plaintiff was charged as that date with possession of controlled substance less than 25 grams with intent to deliver and operating a motor vehicle with presence of controlled substance.

93. The charges were and are false and were orchestrated by Defendants Burress, Lavan and Pasenchi once again to frame the Plaintiff.

94. Plaintiff's bond for the new charges was set by magistrate Brown

at \$200,000.00

95. Bond was based on the same false accusations in the letter sent to the parole board.

96. Magistrate Brown, Judge Busness and Brian Lacy are close friends.

97. Unable to make bail, Plaintiff remains incarcerated at the Livingston County Jail.

98. Except for interference by Judge Busness, Plaintiff's criminal case would have been heard by Livingston County Circuit Court Judge Stanley Latrelle.

99. Judge Latrelle is fair and impartial and has no tie to Judge Busness or Defendant Lacy.

100. Just before Plaintiff's 12/11/07 arrest, Judge Busness, in bad faith, met with and conveyed to Judge Latrelle the false accusations that Plaintiff intended to murder him.

101. In so doing, Judge Busness purposefully created an automatic grand for the disqualification of Judge Latrelle leaving Judge Latrelle

no choice but to recuse himself.

102. Judge Burness's contact with Judge Latrelle was in fact an act of sabotage to get Judge Latrelle out of the picture.

103. As intended by Judge Burness, the disqualification of Judge Latrelle set off a chain reaction of disqualifications eventually, leading to a SCAC assignment of a Judge who Judge Burness has influence over.

104. SCAC assigned Ingham County Circuit Court Judge Joyce Dragoochuk who once again has reputation for harsh sentencing practices.

105. The SCAC assignment of Judge Dragoochuk is part of a pattern of Ingham County Circuit Court judges with reputations for harsh sentencing practices being assigned under orchestration by Judge Burness to hear Livingston County cases brought against Plaintiff.

106. Defendant Hughes confirmed that Judge Dragoochuk was not chosen by Plaintiff due to her harsh sentencing practices and her predilection for shopping.

107. The SCAD assignment of Judge Draganchuk to Plaintiff's case was intentional to Judge Collette's recusal from the case who had also been assigned by SCAD.

108. Judge Collette's intention to Judge Draganchuk is to the vendetta against Plaintiff by Judge Burress.

109. Judge Draganchuk is predisposed to carrying out that vendetta.

110. Judge Draganchuk described her predisposition towards Plaintiff stating "Scott has a lot of nerve suing a judge and will have a long time in prison to think about it."

111. That by those words so spoken, Judge Draganchuk meant and was taken to mean that she is motivated to imprisoning Plaintiff in retaliation for suing Judge Burress.

112. Revealing her knowledge of Judge Burress's role in the criminal operation against Plaintiff that led to the current charges, Judge Draganchuk stated "Judge Burress

appears to have done a good job setting Scott up."

113 To conceal Judge Russ's involvement in the criminal operation of his wife, the current charges against Plaintiff, Judge Dragovich, is an act of protection in furtherance of the cover-up relating to Judge Russ, who claimed her intent to block Plaintiff from calling Judge Russ as a witness at Plaintiff's trial.

114. Plaintiff, the unindicted Plaintiff, sought an bond reduction before Judge Dragovich.

115. Defendant argues objected to an reduction in bond on her accusations of Plaintiff posing a danger to Judge Russ and Plaintiff's family.

116. Defendant has had 500 accusations to be false and says were made maliciously and purposefully with the specific intent to wrongfully deny Plaintiff a reasonable bond.

117. However, Judge Dragovich falsely denied a connection between Plaintiff's bond and Judge Russ and Defendant's bond.

118. Instead, Judge Dragovich

denied Plaintiff bond on conjured-up grounds raised for the first time by Judge Dragachuk that Plaintiff faced a risk of failing to appear for future proceedings.

119. Among other things, Judge Dragachuk relied on the fact that account that, if convicted Plaintiff sentencing guidelines would be 12-17 months. In fact, because of having failed to make bail, Plaintiff has already completely served.

120. For purposes of setting bond, the judge failed to take into account the fact that Plaintiff has already served the high end of the sentencing guidelines recommendation. Serves only to further confirm Judge Dragachuk's predisposition to upwardly departing from the sentencing guidelines should Plaintiff be convicted.

121. Judge Dragachuk falsely denied a connection between Plaintiff's bond and Judge Russel and Defendant Loven to avoid an evidentiary hearing so as to

protect Judge Brosses from being called by Plaintiff as a witness.

122. Plaintiff's district court proceedings were heard by Livingston County district court Judge Teresa Brosses.

123. On her own admissions Judge Brosses is close friends with both Judge Brosses and Defendant Gosselink refused to recuse herself.

124. Judge Brosses treated Plaintiff in a bias and unlawful manner.

125. After acknowledging in record that Plaintiff had not done any, Judge Brosses' treatment of Plaintiff included refusing an excessive uniformed police presence during jury selection and Plaintiff's very trial to prosecute Plaintiff before the jury.

126. The assignment of Judge Brosses to Plaintiff's case was also product of Judge Shopping.

127. It was accomplished by an act of manipulation on the part of Defendant McCrissie.

128. To circumvent the blind draw Defendant McCrory temporarily assigned himself to Plaintiff's case to ensure that the case was assigned to Judge Brennen as opposed to the other less favorable judge who is the Defendant's wife.

129. Judge Brennen appointed Defendant attorney to represent Plaintiff who on his own admission is also close friends with Judge Burrell and Burrell's lover.

130. Judge Brennen refused to substitute counsel leaving Plaintiff no choice but to represent himself.

131. On the basis that the accusations of Plaintiff intending to harm Judge Burrell and Defendant lover were false, Plaintiff also sought a bond reduction before Judge Brennen.

132. Similarly the same as Judge Dragachuk, Judge Brennen also falsely claimed a connection between Plaintiff's bond and Judge Burrell and Defendant Lover while conjuring up other grounds to deny bond.

133. While Plaintiff has been at the Livingston County jail, at least three further attempts to frame him were made as follows:

a) On or about December 11, 2007, Defendants Cremonte and Corryea attempted to coerce Randy Guillor, a Livingston County jail inmate, into falsely claiming that Plaintiff tried to get him to kill Judge Burgess.

b) Under direction of Defendants Cremonte and Bolling, Nicholas Siaotte, another Livingston County jail inmate, tried to set up Plaintiff on false charges of Plaintiff trying to get him (Siaotte) to kill Judge Burgess.

c) While representing Plaintiff Defendant Gates may covertly assisted Jeff Sparo, another Livingston County jail inmate, in negotiations with the Livingston County prosecutor's office involving an effort by Sparo to set up Plaintiff and Plaintiff's girl friend on false charges of smuggling drugs into the jail.

134. While at the Livingston County jail, Defendant Cremonte conveyed to

Plaintiff the following facts:

- a) Plaintiff was falsely set up 12/11/07 because of his lawsuits against Judge Bunner, Defendant Loran, Defendant Pasanski and Defendant Cromante.
- b) With the exception of Plaintiff, charges in cases involving prescription pills are brought only after the substance in question has been analyzed which according to Cromante normally takes two or three months.
- c) Judge Bunner and Defendant Cromante conspired to have Michigan State Police (MSP) Forensic lab falsely incriminate Plaintiff on the operating with presence of controlled substance charge.
- d) That Judge Bunner purposefully created the automatic grande for the disqualification of Judge Latrelle.
- e) That SCAG assigned Judge Dragovich to Plaintiff's criminal case at the direction of Judge Bunner and Judge Collette and was selected because of her harsh sentencing practices.

f) That Plaintiff is classified at the jail to maximum security and is restrained in belly chains and leg shackles because of his low status.

135. To impede Plaintiff in defending himself, the jail, under Defendant Cromm's orders Plaintiff access to a secure telephone, legal research material and an adequate means to prepare and submit papers to the court.

136. Being restrained in belly chains and leg shackles during court proceedings further impedes Plaintiff's legal access by preventing him from handling his legal papers, taking notes and performing other functions necessary to meaningfully participate in the proceedings.

137. Plaintiff's Livingston County legal proceedings are completely rigged and controlled by Judge Busness.

138. Plaintiff was falsely set up, is being denied bail and treated as otherwise described above in retaliation for seeking legal redress.

CAUSE OF ACTION

RICO

139. Plaintiff incorporates by reference paragraphs 1 through 138 above.

140. The actions of Defendants set forth above are illegal and pattern of racketeering activity.

141. Defendants, acting jointly and individually, conspired with each other on a single plan to injure Plaintiff in his person, property and business through a continued pattern of behavior involving repeated acts of concealing fictitious legal complaints and charges, framing Plaintiff, David, extortion, maintaining a protection racket, judge shopping and other acts of obstruction of justice.

142. Defendants agreed with each other upon a continuing plan to injure Plaintiff through racketeering activity, in retaliation for Plaintiff seeking legal redress.

143. The predicate acts as described above have the same or similar purposes, results, participants, victim, methods of commission and otherwise are

interrelated by distinguishing characteristics and are not isolated events.

144. As a result of the Defendants racketeering activity Plaintiff suffered damages including loss of property, business and liberty, along with fear, anxiety, and other damages in the nature of plaintiff's rights.

RELIEF DEMANDED

WHEREFORE, Plaintiff requests the court for an order granting

A) Judgment for compensatory and punitive damages against Burress, Lava, Pasenki, Coomonte, Ballas, Reggans, Corneas, Frank Delva, Angela Delva, Walters, Evans, Hughes, Moas, Gutierrez, Parada Board member, S. Scott, Scott senior, V. Scott junior, Lofseos, Melvin, T. Blackburn, T. Blackburn, Root, Smith and B. Scott jointly and severally in what ever amount Plaintiff is entitled in excess of \$75,000.00 excluding costs and interest.

b) injunction restraining Defendants, their agents, servants, and all others acting in concert with them from racketeering and related activity including, concocting fictitious complaints

against Plaintiff, Ridge Shopping and other
acts of obstruction of justice and all
consequences of such acts.

Respectfully submitted,

X
David J. Scott

Plaintiff In Pro Se

Livingston County Jail

150 S. Highlandway

Marshall MI 48843

Dated: March 9, 2009

DECLARATION OF DAVID J. SCOTT

By my signature below, I, David J. Scott, declare under penalty of perjury that I have read the foregoing Complaint and that the facts set forth therein are true to the best of my personal knowledge and I swear as a witness can competently testify to same.

X

David J. Scott

Dated: March 9, 2009

CIVIL COVER SHEET

County in which action arose

Washington

All cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by the rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating a docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I) PLAINTIFFS

Livingston *David Scott*
 (b) County of Residence of First Listed Plaintiff
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

David Burgess

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity
 (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated or Principal Place of Business In This State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 410 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 520 Copyrights	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 530 Patent	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 540 Trademark	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 410 Agriculture	<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 192 Contract Product Liability		<input type="checkbox"/> 420 Airplane	<input type="checkbox"/> 861 HIA (1958)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 425 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 894 Energy Allocation Act
REAL PROPERTY		<input type="checkbox"/> 430 Housing/ Accommodations	<input type="checkbox"/> 863 DLWC/DIW (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Voting	<input type="checkbox"/> 435 Death Penalty	<input type="checkbox"/> 864 SSDI Title XVI	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 230 Rent Lease & Eviction	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 550 Civil Rights		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 555 Prison Condition		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/ Disabilities - Employment			
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/ Disabilities - Other			
	<input type="checkbox"/> 440 Other Civil Rights			
CIVIL RIGHTS		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
HABEAS CORPUS		<input type="checkbox"/> 520 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
WELFARE		<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
AMER. w/ DISABILITIES - EMPLOYMENT		<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 740 Railway Labor Act	
AMER. w/ DISABILITIES - OTHER		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation	
OTHER CIVIL RIGHTS		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Emp. Rel. Inc. Security Act	
IMMIGRATION				
470			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): *18 USC 1961-1968*

VI. CAUSE OF ACTION

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$75,000.00

CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE

Arthur Tarnow

DOCKET NUMBER

OB-13916 / 09-10916

DATE

SIGNATURE OF ATTORNEY OF RECORD

David Scott KBT

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFFP JUDGE MAG. JUDGE

SUANT TO LOCAL RULE 83.11

Is this a case that has been previously dismissed?

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

CIVIL COVER SHEET FOR PRISONER CASES

Case No. <u>09-11807</u>	Judge: <u>PAUL D. BORMAN</u>	Magistrate Judge: <u>MONA K. MAJZOUR</u>
Name of 1 st Listed Plaintiff/Petitioner: <u>DAVID J. SCOTT</u>	Name of 1 st Listed Defendant/Respondent: <u>Daniel Burress et al</u>	
Inmate Number: <u>9115</u>	Additional Information:	
Plaintiff/Petitioner's Attorney and Address Information:		
Correctional Facility: <u>Livingston County Jail 160 Highlander Way Howell, MI 48843</u>		

BASIS OF JURISDICTION

2 U.S. Government Defendant
 3 Federal Question

ORIGIN

1 Original Proceeding
 5 Transferred from Another District Court
 Other:

NATURE OF SUIT

530 Habeas Corpus
 540 Mandamus
 550 Civil Rights
 555 Prison Conditions

FEE STATUS

IFP *In Forma Pauperis*
 PD Paid

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____